

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John W. Northcutt )  
Serial No.: 10/707,463 )  
Filing Date: 12/16/2003 ) Confirmation No. 1462  
Attorney Docket: U03-0131-64 )  
Examiner: Le, Danh C. )  
Art Unit: 2683 )  
Title: LOCATION STATUS INDICATOR )  
FOR MOBILE PHONES )

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE UNDER 37 C.F.R § 1.111**

Sir:

This reply by Applicants is in response to the Office Action dated February 9, 2006.

**Amendments to the Specification:** None

**Amendments to the Claims :** None

**Remarks** begin on page 2.

## **REMARKS**

The Examiner has rejected claims 1-5, 9-10, 17-21, and 25-26 under 35 USC 103(a) for being unpatentable over Mizune (Pat. Appl. Publ. US2003/0013461), hereinafter “Mizune”.

The text of the rejection fails to meet the burdens and standards imposed by 35 USC 103. The Examiner appears to cite and apply figure 4 of Mizune to all of claim 1. This is problematic because the Examiner fails to particularly point out what in figure 4 is being applied to the present invention. There is no application of the description of figure 4 to any elements or steps of the present invention. It is an omnibus rejection completely lacking in specificity leaving applicant to wonder just what in Mizune is being applied to the claims.

In addition, the Examiner has chosen a 35 USC 103 obviousness rejection as the basis for the office action. An obviousness rejection under 35 USC 103 presumes that not all of the elements or steps of the present claims can be found in the cited reference. If they could then a 35 USC 102 novelty rejection would be appropriate. Yet, the Examiner does not point out which elements or steps are lacking in the cited reference. Moreover, 35 USC 103 requires some type of analysis with respect to the purported obvious nature of the present invention when compared to the cited reference. There is no statement of obviousness made by the Examiner with respect to the application of Mizune to claims 1-5, 9-10, 17-21, and 25-26. Thus, the form and substance of the Examiner’s 35 USC 103(a) rejection does not meet the standards imposed under the statute nor does it make a *prima facie* case capable of sustaining a rejection of the claims.

Nevertheless, applicant will analyze the elements/steps of the independent claims against the Mizune reference.

Mizune is directed toward a means for providing a mobile telephone device with an indication of the location of a communication partner (other mobile telephone device) using global positioning system (GPS) technology. A first mobile telephone device receives a call from a second mobile telephone device. Both devices are position locatable. Upon receiving a call from the second mobile telephone device, the first mobile telephone device is graphically informed of the caller’s identity (Caller ID) and location. Location is indicated using a directional compass arrow and caption indicating actual distance between the two mobile telephone devices. If applicable, a landmark icon indicating the location of the second mobile telephone device can be displayed.

Mizune’s sole concern is providing a first mobile telephone device with the location of a second mobile telephone device while connected on a call. This is completely different from what is claimed and described by the present invention.

The present invention is directed toward presenting iconic location data representative of the mobile phone's current location with respect to nearby landmarks. This is achieved using a location determination system such as GPS and a database of known locations. The known locations are associated with iconic representations. For instance, an airport might be associated with a picture of an airplane, a hospital with the well known "H" symbol, a school with the picture of a school bus, and the user's home with the image of a house. The present invention will determine its location and the location of the nearest landmark location in the database. If the nearest landmark is within a pre-determined range from the current location of the mobile phone, it will be displayed. It can be displayed along with additional information about the landmark such as the current distance between the landmark and the mobile phone as well as a compass direction indicating which direction the landmark is relative to the mobile phone.

Other features include altering the appearance of the icon as the mobile phone gets nearer or further from the landmark, forwarding the location data to a network server to selectively allow other devices to access the data, and customization of the location icons.

The present invention can also link secondary data to the icon that can be called up upon request. For instance, the user can select the icon currently displayed and have additional information displayed about the actual location represented by the icon. This information can include a telephone number, an address, driving directions, etc.

Mizune does not teach "*looking up locations within a pre-determined distance from the current position of the mobile phone*" because Mizune is only interested in the location of the 'communication partner' not the location of the current mobile phone. Any calculation of the current mobile phone is merely done to determine a distance between it and the communication partner. Moreover, Mizune makes no mention of and does not consider any pre-determined distances between a location and the current position of the mobile phone. The essential distinction between Mizune and the present invention is that Mizune is solely focused on the location of a communication partner while the present invention is focused on its own location. Thus, Mizune also does not teach "*displaying a location icon representing a location within the pre-determined distance to the current position of the mobile phone*".

The same analysis can be applied to independent claim 17 as it has similar limitations from the perspective of a computer program product.

It is applicant's belief that the Examiner has (1) mischaracterized the Mizune reference as applied to the present invention, and (2) failed to meet the statutory requirements for a 35 USC 103(a)

rejection. Based on the foregoing, applicant requests reconsideration and withdrawal of the 35 USC 103(a) rejections of the claims of the present invention.

The Applicants believe they have responded to all of the concerns raised by the Examiner. Reconsideration of this application as amended is hereby respectfully requested.

The Examiner is authorized to charge any fees required and not paid herein, or credit any overpayment to Deposit Account 13-4365.

Respectfully submitted,

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